



OFFICE OF THE POLICE COMMISSIONER  
ONE POLICE PLAZA • ROOM 1400

August 18, 2014

**CHAN**

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Carlos Reid**  
Tax Registry No. 927401  
Police Service Area (PSA) 8  
Disciplinary Case Nos. 2010-2596, 2010-2599  
& 2012-7021

The above named member of the service appeared before Assistant Deputy Commissioner David S. Weisel on October 31, November 4, December 16, and December 23, 2013 and was charged with the following:

**DISCIPLINARY CASE NO. 2010-2596**

1. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 14, 2009, while on-duty, in New York County, did wrongfully make improper and inaccurate entries in said Officer's Activity Log, to wit, said Police Officer Reid failed to include an accurate narrative of the arrest of an individual known to the Department in his Activity Log. *(As amended)*

**P.G. 203-05, Page 1, Paragraph 4**

**PERFORMANCE ON DUTY  
GENERAL REGULATIONS  
ACTIVITY LOGS – COMMAND  
OPERATIONS**

**P.G. 212-08, Page 1 and 2**

2. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, while on-duty, in New York County, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department to wit, said Police Officer Reid provided inaccurate facts to the New York County District Attorney's Office regarding an arrest of an individual known to the Department which resulted in Police Officer Reid signing a criminal court complaint containing inaccurate information. *(As amended)*

**P.G. 203-10, Page 1, Paragraph 5**

**GENERAL REGULATIONS**

**DISCIPLINARY CASE Nos. 2010-2596,  
2010-2599 & 2012-7021**

**POLICE OFFICER CARLOS REID**

3. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, knowing that a written instrument, to wit: a criminal court complaint, contained a false statement or false information, and with intent to defraud the state[] or any political subdivision or public authority of the state[], offered or presented it to a public office, public servant, or public authority, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant or public authority. (*Dismissed*)

**P.G. 203-10, Page 1, Paragraph 5**

**Penal Law 175.35**

**GENERAL REGULATIONS**

4. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, knowingly made a false statement, which said Officer did not believe to be true, in a written instrument, to wit: a criminal court complaint, bearing a legally authorized form notice to the effect that false statements made therein are punishable. (*Dismissed*)

**P.G. 203-10, Page 1, Paragraph 5**

**Penal Law 210.45**

**GENERAL REGULATIONS  
MAKING A PUNISHABLE  
FALSE WRITTEN STATEMENT**

5. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 14, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department to wit, said Police Officer Reid failed and neglected to provide[] a clear and accurate narrative to the New York County District Attorney's Office regarding the arrest of an individual known to the Department and recovery of a controlled substance from said person. (*As amended*)

**P.G. 203-10, Page 1, Paragraph 5**

**GENERAL REGULATIONS**

**DISCIPLINARY CASE NO. 2010-2599**

1. Said Police Officer Carlos Reid, assigned to Housing Bureau Bronx/Queens-Viper 4, on or about December 25, 2008, while off-duty, at a location known to the Department, in Kings County, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: After a verbal dispute, said Police Officer Reid struck Person B in the face with an onion and then his hand.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT-  
PROHIBITED CONDUCT  
GENERAL REGULATIONS**

**DISCIPLINARY CASE Nos. 2010-2596,  
2010-2599 & 2012-7021**

**POLICE OFFICER CARLOS REID**

2. Said Police Officer Carlos Reid, assigned to Housing Bureau Bronx/Queens-Viper 4, on or about December 25, 2008, while off-duty, at a location known to the Department, in Kings County, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: during a physical altercation, said Police Officer Reid pushed Person C and then shoved Person C to the ground.

**P.G. 203-10, Page 1, Paragraph 5**

**PUBLIC CONTACT-  
PROHIBITED CONDUCT  
GENERAL REGULATIONS**

**DISCIPLINARY CASE NO. 2012-7021**

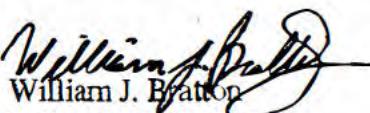
1. Said Police Officer Carlos Reid, assigned to Police Service Area #8, while off-duty, on or about February 25, 2012, did wrongfully consume a quantity of intoxicants to the extent that said Officer was unfit for duty.

**P.G. 203-04, Page 1, Paragraph 2**

**FITNESS FOR DUTY**

In a Memorandum dated June 9, 2014, Assistant Deputy Commissioner David S. Weisel found the Respondent Guilty of Specification Nos. 1, 2 and 5, and Dismissed Specification Nos. 3 and 4, in Disciplinary Case No. 2010-2596. The Respondent was found Guilty of Specification Nos. 1 and 2, in Disciplinary Case No. 2010-2599. The Respondent was found Not Guilty of Specification No. 1, in Disciplinary Case No. 2012-7021. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

I have considered the totality of issues and circumstances in this matter and deem that a greater penalty is warranted. Therefore, the Respondent is to forfeit sixty-six (66) suspension days previously served, and be placed on one (1) year dismissal probation, as a disciplinary penalty.



William J. Bratton  
Police Commissioner



POLICE DEPARTMENT

June 9, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Carlos Reid  
Tax Registry No. 927401  
Police Service Area (PSA) 8  
Disciplinary Case Nos. 2010 2596, 2010 2599 & 2012 7021

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The above-named member of the Department appeared before the Court on October 31, November 4, December 16, and December 23, 2013, charged with the following:

Disciplinary Case No. 2010-2596

1. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 14, 2009, while on duty, in New York County, did wrongfully make improper and inaccurate entries in said Officer's Activity Log, to wit, said Police Officer Reid failed to include an accurate narrative of the arrest of an individual known to the Department in his Activity Log. (*As amended*)

P.G. 203-05, Page 1, Paragraph 4 PERFORMANCE ON DUTY - GENERAL REGULATIONS

P.G. 212-08, Pages 1 and 2 ACTIVITY LOGS - COMMAND OPERATIONS

2. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, while on-duty, in New York County, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department to wit, said Police Officer Reid provided inaccurate facts to the New York County District Attorney's Office regarding an arrest of an individual known to the Department which resulted in Police Officer Reid signing a criminal court complaint containing inaccurate information. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

3. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, knowing that a written instrument, to wit: a criminal court complaint, contained a false statement or false information, and with intent to defraud the state[] or any political subdivision or public authority of the state[], offered or presented it to a public office, public servant, or public authority, with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become part of the records of such public office, public servant or public authority. (*Dismissed*)

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS  
Penal Law 175.35

4. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 15, 2009, knowingly made a false statement, which said Officer did not believe to be true, in a written instrument, to wit: a criminal court complaint, bearing a legally authorized form notice to the effect that false statements made therein are punishable. (*Dismissed*)

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS  
Penal Law 210.45 MAKING A PUNISHABLE FALSE WRITTEN  
STATEMENT

5. Said Police Officer Carlos Reid, assigned to Housing Bronx/Queens, on or about April 14, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department to wit, said Police Officer Reid failed and neglected to provide[] a clear and accurate narrative to the New York County District Attorney's Office regarding the arrest of an individual known to the Department and recovery of a controlled substance from said person. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – GENERAL REGULATIONS

Disciplinary Case No. 2010-2599

1. Said Police Officer Carlos Reid, assigned to Housing Bureau Bronx/Queens - Viper 4, on or about December 25, 2008, while off-duty, at a location known to the Department, in Kings County, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: After a verbal dispute, said Police Officer Reid struck Person B in the face with an onion and then his hand.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT-PROHIBITED CONDUCT,  
GENERAL REGULATIONS

2. Said Police Officer Carlos Reid, assigned to Housing Bureau Bronx/Queens - Viper 4, on or about December 25, 2008, while off-duty, at a location known to the Department, in Kings County, did wrongfully engage in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: during a physical altercation, said Police Officer Reid pushed Person C and then shoved Person C to the ground.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT-PROHIBITED CONDUCT,  
GENERAL REGULATIONS

Disciplinary Case No. 2012-7021

1. Said Police Officer Carlos Reid, assigned to Police Service Area #8, while off-duty, on or about February 25, 2012, did wrongfully consume a quantity of intoxicants to the extent that said Officer was unfit for duty.

P.G. 203-04, Page 1, Paragraph 2 – FITNESS FOR DUTY

The Department was represented by Javier R. Seymore, Esq., Department Advocate's Office. Respondent was represented by Richard H.B. Murray, Esq., and John Tynan, Esq., Worth, Longworth & London LLP.

Respondent pleaded Not Guilty to Specification Nos. 1, 2 and 5 in Case No. 2010-2596. Specification Nos. 3 and 4 were dismissed by the Department before trial. Respondent pleaded Not Guilty in Case Nos. 2010-2599 and 2012-7021. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

In Case No. 2010-2596, Respondent is found Guilty of Specification Nos. 1, 2 and 5. Specification Nos. 3 and 4 are dismissed. In Case No. 2010-2599, Respondent is found Guilty. In Case No. 2012-7021, Respondent is found Not Guilty.

SUMMARY OF EVIDENCE PRESENTEDThe Department's Case

The Department called Sergeant James Leo, Detective Michelle Tege and Sergeant Juan Rodriguez as witnesses.

Case No. 2010-2596: Sergeant James Leo

Leo was assigned to the Internal Affairs Bureau (IAB). He received a complaint from the New York County District Attorney's (DANY) Official Corruption Unit. Leo was informed that Assistant District Attorney Christian Klossner, who was assigned to the Office of the Special Narcotics Prosecutor (SNP), had reason to believe Respondent had withheld material facts surrounding the arrest of Person A. Person A was arrested for criminal trespass and possession of narcotics.

Leo indicated that Klossner prepared a complaint (see Department's Exhibit [DX] 3) in the Early Case Assessment Bureau (ECAB) (called the Complaint Room in other jurisdictions) with input from Respondent. The complaint stated that on April 14, 2009, Person A was arrested inside [REDACTED]. This was part of the Baruch Houses, a New York City Housing Authority (NYCHA) project, and Respondent was assigned to PSA 4. The complaint and arrest reports (DX 6 & 7) said the same thing. Police Officer Richard Dixon, Respondent's partner, prepared the complaint report, listing Respondent as the reporting or investigating officer.

However, Klossner stated in a memorandum for his office, dated April 23, 2009 (DX 5), that at arraignment, the defense claimed Person A actually was arrested after being removed from a taxicab on the FDR Drive. Klossner said in the memo that in a post-arraignment

telephone call, Respondent told him that when he returned from ECAB, Dixon told him Person A tried to flee from the building and get into a vehicle.

According to Klossner, when he met with Respondent and Dixon several days later to prepare for the grand jury presentation, the officers told him that Person A slipped away from Dixon while Respondent was upstairs investigating his claim that he was in the building legitimately. He then got into a cab. After Dixon removed Person A from the cab, he recovered narcotics from his waistband. Klossner said that the officers told him Dixon only told Respondent this after the first ECAB interview. The officers told Klossner that they wanted to "keep it simple," fearing he would decline to prosecute a trespass case in which the defendant was arrested outside the trespassed building.

Klossner said that he reviewed Respondent's Activity Log (DX 4). The fly sheet contained a Taxi & Limousine Commission (TLC) license plate number, a driver identification number, a vehicle description, the name of a car service, and a car number. This indicated to Klossner that Respondent knew about the cab all along. The officers again contended that they only wanted to keep things simple.

Klossner continued that he offered Person A a Queen for a Day agreement and dismissed the case against him.

Leo indicated that IAB contacted the cabdriver. The driver confirmed that Person A was removed from his cab and arrested in the vicinity of the FDR Drive and South Street, a short distance from the trespassed building.

Leo noted that the lined portion of Respondent's Activity Log contained no entries pertaining to a car stop on the FDR Drive and South Street.

On cross examination, Leo confirmed that the complaint indicated [REDACTED] was the location where the three charged crimes were committed. He admitted he made a mistake on direct examination when he stated that the complaint's reference to [REDACTED] was meant to allege that Person A was arrested there, as opposed to where the crimes were committed.

Leo testified that Respondent was indicted in this matter, but the case ultimately was dismissed by DANY, supposedly due to credibility problems with Person A.

Leo agreed that all the information contained in the factual portion of the complaint was accurate.

On re-direct examination, Leo stated that Respondent, as the arresting officer, should have informed Klossner about Person A fleeing the scene and the vehicle stop.

Klossner told Leo that the charges against Person A were dropped because of "misrepresentations" by the arresting officers.

The parties stipulated that while Respondent was indicted, Dixon merely received a command discipline for entering an incomplete narrative in the complaint and arrest reports, and failure to make accurate and complete Activity Log entries.

Case No. 2010-2599: Detective Michelle Tege

Tege was assigned to the Housing Bureau Investigations Unit. She investigated a dispute that occurred on December 25, 2008, at a grocery store between Respondent and an employee. The store was located on the corner of [REDACTED]. The main entrance was on [REDACTED] and the employee entrance was on [REDACTED]. In addition to aisles of merchandise inside, there also were bins outside the store containing fruit and vegetables.

Tege spoke to several store employees during the investigation. The gist of the dispute was that one employee, Person B, believed that Respondent might be shoplifting. Person B told Tege that he observed Respondent remove several items from the interior of the store and place them in the outdoor bins. A second employee, Person C, told Tege that at an earlier date he had suspected Respondent of shoplifting.

According to Tege's investigation, Respondent re-entered the store, completed his purchase, and went to his vehicle. Respondent then returned to the store and picked up the items he earlier had placed in the exterior bin. Person B approached Respondent and asked if he was stealing. Respondent became irate at the accusation and threw a vegetable at Person B, striking him in the face. The dispute escalated and spilled over into the store. Other employees got involved and were able to separate Respondent and Person B.

DX 1 was three separate video surveillance streams from the grocery store, all covering the same time period. The video showed Respondent leaving the store with a grocery bag and Person B following him out, watching. Respondent returned and picked up some outdoor fruit and vegetables. He then walked away from the store. Person B followed him. Person C also walked toward them, taking out the garbage. Respondent came roaring back, with Person B backing away from him and Person C getting in the middle. This continued into the store proper, where Respondent attempted to strike Person B.

On cross examination, Tege stated that officers from the 70 Precinct responded to the scene. Respondent duly identified himself as a member of the service and the patrol supervisor was notified. Respondent accompanied the officers to the station house for further investigation. Respondent was not arrested or charged with any offense. In fact, upon examination by the

Court, Tege confirmed that no complaint report was filed. The duty captain found Respondent fit for duty and he retained his full-duty status.

Case No. 2012 7021: Sergeant Juan Rodriguez

Rodriguez was assigned to patrol in the 28 Precinct. On February 25, 2012, he was the day tour patrol supervisor. At approximately 1245 hours, he responded to a call at Respondent's residence, on the 2 level of an apartment building, to conduct a wellness check. A female caller, claiming to be Respondent's girlfriend, notified the Department that she believed Respondent had been drinking alcohol and had become a hoarder.

Rodriguez unsuccessfully attempted to gain entrance to the building by buzzing Respondent's apartment. Eventually he was let into the building by another resident. Standing outside Respondent's door he knocked for several minutes but received no answer. He banged on the door with his baton but again there was no answer. Rodriguez, however, heard noise coming from a radio inside the apartment. After trying the fire escape unsuccessfully, Rodriguez notified the duty captain and the Emergency Service Unit (ESU).

The duty captain and ESU responded to Respondent's address. ESU knocked on the apartment door and gave one final warning to open up or they were going to take down the door. This time, Respondent answered. Rodriguez testified that Respondent's clothing was disheveled and his apartment was in "complete disarray." Rodriguez attempted to speak with Respondent but he was crying, "extremely annoyed," and was unresponsive to questions. Respondent told Rodriguez that he "made a bad call . . . you don't have to do this; there's no need for all of this."

Respondent exited his building and entered an ambulance on scene to be transported to the hospital. Rodriguez testified that Respondent was unsteady on his feet. Rodriguez rode with

him in the ambulance. Inside the ambulance Rodriguez detected the odor of alcohol coming from Respondent and saw that he had bloodshot and watery eyes. He remained with Respondent until he was admitted for [REDACTED]. When Respondent learned that the hospital staff would be drawing his blood, he protested, “[Y]ou’re not taking my blood; you’re not taking my fucking blood; you’re going to need to get a fucking warrant.”

Rodriguez concluded that Respondent was unfit for duty (see DX 2, Supervisor’s Fitness for Duty Report [FFD]).

On cross examination, Rodriguez stated that he spoke via telephone with Respondent’s purported girlfriend, Person D. Person D told Rodriguez that she believed Respondent had been drinking excessively and was hoarding property in his apartment.

This was Rodriguez’s first time conducting a wellness check and a FFD evaluation. Rodriguez considered the possibility that Person D’s allegation was just a way to get Respondent in trouble.

Rodriguez noted that Respondent was on modified duty at the time of the incident. Respondent told him that he just woke up. Rodriguez agreed that this could have accounted for Respondent’s disheveled appearance. Rodriguez did not turn on the lights. He testified that the apartment smelled bad. Rodriguez conceded that there was nothing visibly indicating alcohol abuse. He recalled seeing boxes stacked in the apartment. Rodriguez agreed that these might be the boxes of discovery from Respondent’s then pending indictment.

During the investigation, a female neighbor told Rodriguez that she always heard fighting coming from Respondent’s apartment.

Rodriguez stated it only was when Respondent began to cry and become loud that the duty captain called for transport to the hospital for [REDACTED]. The staff considered

restraining Respondent because he refused to allow them to draw his blood. At this point the staff asked the police to leave the hospital. Rodriguez denied that this was because their presence was aggravating the situation in Respondent's view.

Rodriguez admitted that on a subsequent date, a clergy leader from the community and associate of Person D called the precinct for another wellness check on Respondent. This time, Rodriguez felt uncomfortable returning to Respondent's home and asked another supervisor to conduct the investigation. That lieutenant found Respondent fit for duty.

On re-cross examination, Rodriguez stated that the smell of alcohol coming from Respondent was not strong. His speech was not slurred. Rodriguez agreed that Respondent's bloodshot and watery eyes could have been the result of sleeping.

Upon examination by the Court, although Rodriguez had stated on cross that he could not recall whether Respondent was taken to the hospital in his bedclothes, he indicated that Respondent was wearing a gray sweater and blue jeans at the time of the FFD report. The clothes were disheveled in that they were "extremely wrinkled and uneven in the sense of the placement on the body." He indicated on further re-cross examination that one side of Respondent's pants was higher than the other. Rodriguez could not recall whether that was at the apartment or the hospital. The apartment smelled like body odor.

#### Respondent's Case

Respondent testified on his own behalf.

Respondent

Respondent had been assigned to the Housing Bureau for most of his career. At the time that Respondent stopped Person A inside of [REDACTED], he was assigned to the anticrime team in PSA 4 with Dixon. Person A initially was stopped on suspected criminal trespass. Person A was extremely nervous. When questioned about his reason for being in the building, Person A said that he was visiting a female acquaintance in apartment 7G.

Respondent was skeptical because he did not think that the apartments went to G. Person A remained in the lobby with Dixon while Respondent went upstairs to check the apartment numbers. Respondent discovered that there was no [REDACTED] and returned to the lobby. Person A indicated that he had gotten mixed up and actually was visiting a different apartment. As Respondent went to check for this second apartment, Dixon yelled that Person A was fleeing. Respondent stopped the elevator and ran downstairs. Dixon told Respondent that Person A had left the location in a vehicle. Respondent and his partner got into their police vehicle, followed the fleeing car, and stopped it. After interviewing the driver they determined that the vehicle was a livery cab and the driver was unaware of the circumstances. Respondent recorded the driver's information on the fly sheet of his memo book.

Person A was placed under arrest for trespass and possession of a controlled substance. Yet, Respondent then went back to [REDACTED] to check if the second apartment number he gave could be verified. It could not.

Respondent brought Person A to the PSA to process the arrest. Dixon prepared the complaint and arrest reports while Respondent vouchered the property. Because of the large quantity of drugs on Person A, the field intelligence officer wanted to debrief him. Person A agreed to cooperate. After the debrief, the FIO contacted "Manhattan Narcotics" in an attempt to

have an assistant district attorney “on board right away” so that Person A could be processed as a confidential informant (CI).

Respondent met with Klossner to draft the complaint affidavit. He provided Klossner with photocopies of his memo book at that time. Respondent’s second meeting with Klossner was for grand jury preparation. At this second meeting, there was a note on the file saying, “[W]hat is this with this cab thing.” Klossner questioned Respondent “about the events concerning the arrest.” That was when Respondent first told Klossner about the vehicle stop. Klossner asked to see his Activity Log and threw it back at him.

Respondent testified that DANY charged him with criminal offenses as a result of his conduct in the Person A case. The People eventually dropped the charges though, purportedly due to credibility problems with Person A and the woman he said he was there to visit.

Respondent testified that on December 25, 2008, he went to a grocery store on Church Avenue in Brooklyn. He was on the way to drop off gifts for his son. Respondent had been to the store in the past and never had an issue with the employees.

Respondent described himself as having “found out that I don’t have a standard way of doing things” and was an “eclectic shopper.” He tended to pick up items, only to then change his mind and put them back. On the day in question, Respondent paid for the merchandise he had selected and left. After leaving, he decided he wanted more items. So he returned to the store and began picking additional items from both the inside and outside merchandise.

One of the store employees approached Respondent and accused him of stealing. Respondent felt insulted and embarrassed. He admitted that he argued with the employee and “I’m somewhat embarrassed to say this, I may have even threw something at him.” Other employees got involved and the police arrived. Respondent identified himself as a police officer

and was brought back to the command to discuss the incident further. The officers interviewed the witnesses and reviewed the video surveillance. Respondent was not arrested or given a summons.

Respondent testified that on February 25, 2012, he was living alone in Harlem. He characterized any friendship between him and Person D as "more of a sexual relationship." A few days earlier Respondent encountered an uninvited Person D in his building's lobby. It was Respondent's birthday and Person D was there bearing cake and presents. He did not appreciate this pop-in visit. He had lived in his building for approximately 18 years and was embarrassed. Respondent told Person D that she had to go. She was not happy. Respondent was "sure she probably tried to call me" over the next few days but Respondent ignored it.

At some point on February 25, 2012, Respondent was woken up to find several police officers at the front door of his residence. At the time Respondent was accustomed to sleeping during the day because he worked night tours. He answered the door in his underwear. The police stated that they were there for a wellness check and entered the apartment against his will. Respondent testified that he never had attempted suicide or sought any mental health treatment. His apartment was "moderately furnished and clean," though he conceded that he had a lot of books and music equipment.

Initially, Respondent was going to be taken to the precinct for further investigation. This changed and the decision was made to take him to the hospital in an ambulance. At this Respondent became very upset. He later learned he was taken to the hospital because of suspected intoxication. Respondent testified that he was drinking the night before but had stopped approximately 12 hours prior.

Respondent spent the next week in [REDACTED]. After being discharged Respondent was suspended from the Department. After serving his suspension Respondent was ordered to [REDACTED]  
[REDACTED]. At some point, after Respondent [REDACTED]  
[REDACTED], the police again were dispatched to Respondent's residence to conduct another wellness check. They were responding to an allegation made by Person D. Police officers on scene broke down Respondent's apartment door and removed him to the 28 Precinct. At the precinct Respondent was interviewed by the executive officer, who found him fit for duty.

On cross examination, Respondent stated that the cab in which Person A fled was stopped approximately five blocks away from the housing development, on the service road of the FDR Drive. Respondent notified his supervisor of the arrest but not the car stop.

Respondent and Dixon first met with Klossner on April 15, 2009. Neither mentioned the car stop. Respondent believed that Person A was going to cooperate with the Department and become a CI. They were not going to charge a cooperating suspect with escape, so they did not tell Klossner about it. Those facts were not "germane to the case at that time."

When Respondent and Dixon met with Klossner a second time on April 20, 2009, the prosecutor asked to see Respondent's memo book. He saw the cabdriver's information written on the fly paper. Klossner said, "If you didn't tell me this, then what else aren't you telling me?" Klossner also had learned that Person A no longer wished to cooperate as a CI.

Respondent contended that he did not recall telling Klossner that the officers "just kept it simple for you," or that they did so to avoid being penalized for Person A running away.

Respondent admitted that during the grocery store incident, after returning to pick up additional items, he walked toward the dumpster on the side of the store. He did so because he

had noticed something “I really don’t remember what it was” that “sparked my interest.” Respondent then walked back to the store.

Respondent followed the accusing employee around the store while other employees attempted to separate the two. Respondent admitted that he “physically moved” one of the intervening employees out of his way.

Respondent testified that the day of the wellness check was a regular day off or a vacation day. Respondent recalled telling investigators that he had consumed several beers but could not recall how many. He indicated that he might have told investigators that he was “enjoying celebrating [his] birthday.”

Respondent asserted that he did not hear Rodriguez knocking on the window. He contended that his breath most likely had an odor from sleeping and Rodriguez never was close enough to smell it.

Upon questioning by the Court, Respondent said that the FIO contacted SNP to have a specific prosecutor, with whom the team had worked before, assigned to Person A’s case. That individual was unavailable so it was assigned to Klossner.

Respondent asserted that Klossner knew Person A was a CI at the ECAB meeting. Respondent’s basis of knowledge for this was Person A had executed a purported waiver of arraignment (Respondent’s Exhibit C). According to Respondent, Klossner wanted to speak to Person A with regard to being a CI. At some point, though, Person A apparently was arraigned. Once Person A had a lawyer, Respondent testified, he stopped cooperating.

On the night of his birthday celebration, Respondent drank at a restaurant a few blocks from his home. He stopped consuming alcohol around 2100 hours and did not drive home.

On re-direct examination, Respondent explained that the grand jury preparation session occurred only because [REDACTED] no longer was cooperating. Respondent insisted that the prosecutor received a copy of the waiver before arraignment.

### FINDINGS AND ANALYSIS

#### Case No. 2010 2596

Respondent was assigned to the anticrime team in Police Service Area 4. On April 14, 2009, he and his partner, Dixon, stopped Person A inside the lobby of a NYCHA residential building on the grounds of the [REDACTED] on the Lower East Side. Respondent and Dixon were attempting to determine if Person A was present there legally or was trespassing. Person A said that he was visiting someone and gave the officers an apartment number. Respondent testified that he believed that apartment did not exist, but went upstairs to make sure.

As Respondent was verifying Person A's story, Dixon called out and said that Person A was fleeing. Respondent saw Person A enter a livery cab, which then zoomed off. Respondent and Dixon got into a police vehicle and pursued the cab down the FDR Drive. They were able to pull over the cab not too far downtown. Person A was arrested for trespass. Upon search incident to lawful arrest, the officers found narcotics. Respondent was the arresting officer.

Respondent testified that Person A indicated he wanted to cooperate and that he was willing to provide information on some more serious narcotics matters. Respondent informed his field intelligence officer (FIO), who debriefed Person A. The FIO also contacted the Office of the Special Narcotics Prosecutor (SNP). Respondent indicated that the FIO wanted SNP to

assign a certain assistant district attorney whom the FIO knew previously. This was so that Person A's case could proceed in a way that secured his cooperation.

This plan did not work out. Respondent testified that the desired assistant district attorney was unavailable. Instead, the case was assigned to ADA Christian Klossner, who was on loan to SNP from the Bronx DA's Office. At some point, Person A stopped cooperating and simply became a defendant.

Klossner did not testify in the Trial Room. The Advocate represented that the reason for this was that he had relocated to Washington, DC, and now worked for that city's equivalent of the Civilian Complaint Review Board. The Court is at a loss to see how that prevented Klossner's testimony, but be that as it may, his version of events was summarized in a memo he wrote for the Person A file (DX 5). Although Respondent criticized the reliability of this hearsay statement, he ultimately did not object to the introduction of the memo into evidence. In any event, there were significant areas of agreement between the accounts of Klossner and Respondent.

Klossner met Respondent and Dixon in the New York County DA's Office Early Case Assessment Bureau. Respondent did not tell Klossner that Person A fled the scene and got into a livery cab, that the officers pursued the cab, stopped the cab not too far away, arrested Person A there, and found narcotics. This information was not contained in the complaint or arrest reports, prepared by Dixon with input from Respondent. Nor did Respondent place this information in his Activity Log.

Specification No. 1 charges that Respondent made "improper and inaccurate entries" in his Activity Log because he "failed to include an accurate narrative of the arrest." Respondent asserted that his account was accurate and contained all that was necessary. He argued that the

memo book must contain "all information relative to the arrestee, the location of the arrest, the time of the arrest."

Respondent's Activity Log (DX 4) stated the following on the lined pages, in sum and substance:

<b>181[?]</b>	[?] [REDACTED]
<b>182[?]</b>	<b>1 M/H/[?]</b> stopped lobby of [REDACTED] checking 7th floor of same for Apt 7G - no existing A B C E only -
<b>184[?]</b>	under time [special operations lieutenant] notified
<b>1845</b>	84 PSA 4 processing arrest Deft: Person A [pedigree information] for CPC 3 <sup>o</sup> crim tresp. [arrest number, complaint number, voucher numbers with property listed]

First, Respondent never actually wrote an arrest location. He only noted that Person A was "stopped" at [REDACTED], and his own testimony indicated that Person A merely was held there while he investigated his account. Even if that was a notation of an arrest location, however, Respondent's Activity Log entry was an incomplete and inaccurate account of the events. He noted that [REDACTED] was stopped at approximately 1820 hours. But the "under time" was approximately 1840 hours. He did not write what occurred in the intervening 20 minutes, which was that Person A fled in a livery cab and was arrested some distance away after a car chase. This only was revealed because Person A told his attorney at arraignment, the attorney told the arraignment assistant, and that prosecutor told Klossner. Respondent's Activity Log rendition made it seem like the individuals involved never left [REDACTED] and stayed there, for some reason, for 20 minutes. That was not true.

Respondent claimed that there was sufficient information about the chase on the fly sheet of his Activity Log. The fly sheet contained a driver license number and class, an individual's name, a vehicle model and color, a TLC license plate number, a street address, the number [REDACTED], a birthdate, the name of a car service, and a car number. Respondent indicated at trial that this referred to the cabdriver and his vehicle. But that information and its import only would have informed Klossner if Klossner knew that Person A was, in fact, pulled over in a cab. So even if Klossner from the outset had access to the Activity Log in general and the fly sheet in particular, it would have been meaningless to him.

The omitted information was not trivial or of interest only for record-keeping purposes, like who drove someone's vehicle back to the command, cf. Case Nos. 2011-0077, 3560 & - 4740, p. 50 (July 22, 2013). It went to the specific facts of how Person A came to be arrested. See Case No. 85796/09, pp. 52-53 (Sept. 10, 2012) (where officer was involved in use of physical force against resistant subject, pushing him against wall and bringing him to ground, he should have put something in Activity Log to document and remember).

As such, Respondent failed to include an accurate narrative of important events in his Activity Log and thus is found Guilty of Specification No. 1.

For similar reasons, Respondent is found Guilty of Specification No. 5, which charges that he "failed and neglected to provide[] a clear and accurate narrative" to the New York County DA's Office during the first ECAB meeting regarding Person A's arrest and the recovery of a controlled substance from him. Klossner apparently was assigned to SNP, not DANY, but the substance of the specification remains the same.

Contrary to Respondent's argument, the details of Klossner's memo are fairly irrelevant here. Respondent's own testimony established that he did not tell Klossner at their first meeting

all the facts of the case because Person A was cooperating and providing them information. Whether or not Klossner knew that Person A was a CI, Respondent still failed to tell him all the relevant facts. Therefore Respondent is found Guilty.

Specification No. 2 charges that Respondent “provided inaccurate facts” (again, somewhat inaccurately, to DANY) regarding Person A’s arrest, “which resulted in Police Officer Reid signing a criminal court complaint containing inaccurate information.” A criminal complaint is an accusatory instrument, a legal document that must contain a statement of facts that support the charges. See Criminal Procedure Law § 100.15 (3); People v. Dumas, 68 N.Y.2d 729, 730 (1986).

The complaint in Person A’s case (DX 3) described how he committed the crime of trespass by being in [REDACTED] without permission or authority. It described how Person A committed the crime of possession of a controlled substance by having it on various parts of his person. The problem is with the place of occurrence. While one may argue that Person A must have possessed the drugs at [REDACTED] because Respondent verified that the cab driver had nothing to do with it, that is a circumstantial conclusion based on Respondent’s later statements. Because Respondent recovered the drugs at the car stop, the only legally affirmable statement that should have been relayed to the prosecutor was that the possession occurred at the place of the car stop. That was a separate location than [REDACTED] and appears nowhere in the complaint.

As such, Respondent provided inaccurate facts, leading to an inaccurate complaint. He thus is found Guilty of Specification No. 2.

Case No. 2010-2599

The second case against Respondent relates to an altercation that took place in a fruit and vegetable corner grocery store. The employees of the store, including Person B and Person C, believed that Respondent was shoplifting and confronted him. They did not testify at trial. Respondent testified that he was not shoplifting. Rather, he maintained that he had an eclectic way of shopping, which included picking up different things in different areas of the store, including the indoor and outdoor merchandise, going back and forth to his car, and getting distracted. He conceded that he was upset by the employees' accusation and responded by arguing. He admitted that he "may have" thrown something at Person B.

The first specification charges that Respondent wrongfully engaged in conduct prejudicial to the Department when, "[a]fter a verbal dispute," he "struck" Person B "in the face with an onion and then his hand." This ambiguous sentence may mean that Respondent allegedly struck Person B in the face with his hand, or that he struck Person B in his hand. Further, it is unclear why the Department wrote the specification this way, as the video surveillance established that Respondent wrongfully engaged in a physical altercation with Person B. The video showed Respondent picking up items and walking away from the store. Respondent's denial of shoplifting and indignation at being accused are irrelevant to the impression Person B would have gotten from this. Respondent answered with violence, using his body to back up Person B into the store, where he attempted to punch him. There is no support for Respondent's claim that he was acting in some kind of self-defense. In light of this, the Department has provided ample evidence to establish the factual claim set forth and Respondent is found Guilty of Specification No. 1.

The second specification charges that Respondent, again during a physical altercation, wrongfully engaged in conduct prejudicial to the Department when he “pushed . . . and then shoved . . . Person C to the ground.” The video shows Respondent pushing Person C, an employee who interceded between Respondent and Person B. Counsel conceded on summation that Person C fell to the ground. Incredibly, he claimed that it was Person C’s “own fault” for trying to separate the much larger Respondent from Person C’s much smaller fellow employee. The Court rejects the claim that there was no physical altercation and finds Respondent Guilty of Specification No. 2.

Case No. 2012-7021

The final case against Respondent alleges that he “wrongfully consume[d] a quantity of intoxicants to the extent that said Officer was unfit for duty.” At approximately 1245 hours on February 25, 2012, Sergeant Juan Rodriguez, the patrol supervisor for the 28 Precinct, responded to Respondent’s residence to conduct a wellness check. This was precipitated when a female caller, claiming to be his girlfriend, stated that she believed Respondent had been drinking and [REDACTED]. Rodriguez unsuccessfully attempted to gain entry to Respondent’s apartment building by buzzing from the outside, and knocking and banging with his baton on Respondent’s apartment door. He received no answer but could hear the radio inside. Finally, he notified ESU to take down the door. When ESU gave their final warning, Respondent opened the door.

Rodriguez asserted that Respondent’s clothing was disheveled and his apartment was in “complete disarray.” Respondent was crying and belligerent, refusing to answer questions. He

was transported to the hospital. Rodriguez testified that Respondent was unsteady on his feet, had the odor of alcohol, and bloodshot and watery eyes.

Respondent testified that his "girlfriend" was really just a female acquaintance with whom he had a sexual relationship. She had come over a few nights around his birthday, but Respondent did not want to be with her. He thus asserted that she made a false call to get back at him and he was angry about this. He admitted going out for drinks to celebrate on the weekend of his birthday but denied being drunk. He slept during the day because he was assigned to night tours, so he probably was wearing only underwear. His apartment was filled with books and music files and equipment, but it was not in disarray.

Rodriguez made several observations that are consistent with intoxication but also with sobriety. A smelly, messy apartment is not an indication of drunkenness. Having a flushed face and "moderate" odor of alcohol, as noted on the FFD report, is consistent with just having woken up and drinking the night before. See Case No. 69576/95, pp. 17-18 (Nov. 16, 1995). Notably, Rodriguez did not testify that he saw any open bottles of alcohol in the apartment.

Respondent credibly testified that he had been sleeping because he worked night tours and did not hear the door. It is unlikely that he would have lied about working nights, as this information easily could be proved one way or the other. He was angry about the situation and that explains his belligerence, his "talkative" and "excited" demeanor, also as noted on the FFD. In fact, at trial, he still was angry, and he was not intoxicated during his testimony, so the prior belligerence proves very little. See Case No. 80602/05, p. 21 (Oct. 6, 2005). He is not, however, charged with courtesy, disobedience, or obstructing an investigation.

Especially enlightening was Rodriguez's attempted description of Respondent's "disheveled" clothing. The FFD report noted that Respondent was wearing jeans and a sweater.

It is unlikely that anyone would wear this to bed, and Respondent testified credibly that he had been in his bedclothes. Of course, the arriving officers had to let him get dressed. Thus, any state of "disheveledness" would have come only after he was roused by ESU and told that he was being hospitalized. The fact that his clothes were on unevenly at this point proves nothing about his fitness for duty. See 80602, p. 20.

In sum, the Department failed to prove by a preponderance of the evidence that Respondent consumed intoxicants to the extent that he was unfit for duty. As such, he is found Not Guilty.

#### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on September 29, 2000. Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found Guilty of two episodes of misconduct. In the first, Case No. 2010-2596, Respondent made an arrest of Person A for trespass in a NY CHA building. Person A fled in a livery cab and Respondent pulled the car over shortly later. Upon arrest, Respondent found a significant amount of narcotics on the suspect. Person A indicated that he wished to cooperate and he was interviewed at the command so that he could become a confidential informant. Respondent, however, did not tell the prosecutor about all the pertinent facts of the case, omitting the chase of the livery cab, the second location where Person A actually was taken into custody, and any incriminating statements he might have made. This led

to an inaccurate complaint. Respondent also failed to list all of these pertinent facts in his Activity Log. This all was done in a misguided effort to keep the prosecutor out of the loop so that Person A could become a CI as expeditiously as possible. That plan imploded quickly once Person A changed his mind about cooperating.

The baseline penalty in cases involving false sworn statements, like the common scenario of an assigned officer inaccurately stating in a criminal complaint that he witnessed the events in question, is the forfeiture of 30 vacation days. See Case No. 85574/09, p. 8 (June 8, 2010). Here, although the omissions as a whole were minor, they were not accidental. Respondent made a conscious decision to withhold information from the prosecutor. The true facts only were revealed by the defendant himself. This led to dismissal of the case against Person A as well as the impression that Respondent and the Department were not being truthful.

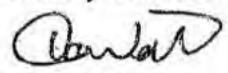
In the second incident, Case No. 2010-2599, Respondent was off duty and went to a grocery store. The employees saw him selecting merchandise from the outside stands and moving away from the store. They confronted him and accused him of shoplifting. Although there ultimately was no basis for the accusation, Respondent responded violently and tried to attack the employee. This was wholly unjustified. It nevertheless was a minor incident on the whole, in which no charges were filed. A penalty involving the loss of 15 vacation days is appropriate. See, e.g., Case No. 2010 2091 (Jan. 7, 2013) (15 days for getting into physical altercation with club patrons after getting into verbal dispute with bouncer that denied off-duty officer entry; officer also failed to remain at scene and notify Department).

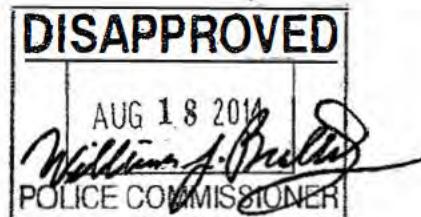
Thus, as a whole, a penalty involving the loss of 45 days is appropriate in this case.

Respondent also was suspended for 33 days in a third incident, Case No. 2012-7021, where he was accused of being unfit for duty as a result of intoxication. He has been found Not Guilty of those charges at trial.

Accordingly, the Court recommends that Respondent forfeit 45 days previously served on suspension. The remaining 21 days should be restored to him.

Respectfully submitted,

  
David S. Weisel  
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

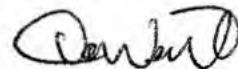
To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER CARLOS REID  
TAX REGISTRY NO. 927401  
DISCIPLINARY CASE NOS. 2010-2596, 2010-2599 & 2012-7021

In 2012 and 2013, Respondent received an overall rating of 3.5 "Highly Competent/Competent" on his annual performance evaluation. He was rated 4.0 "Highly Competent" in 2011. He has been awarded a medal for Excellent Police Duty.

Respondent has been the subject of charges and specifications on one prior occasion. In 2005, he was charged with using force against an individual without just cause. The case against him ultimately was dismissed. He has been on Level II Force Monitoring since November 2009 for receiving multiple complaints from the Civilian Complaint Review Board.

For your consideration.



David S. Weisel  
Assistant Deputy Commissioner Trials